IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6250 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAKSHABEN S.DESAI

Versus

STATE OF GUJARAT & ORS

Appearance:

MR BD KARIA for Petitioner

MR PREMAL JOSHI, AGP for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2

DELETED for Respondent No. 3

MR MITUL K SHELAT for Respondent No. 4

NANAVATI & NANAVATI for Respondent No. 5

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 21/06/2001

ORAL JUDGEMENT

#. The petitioner by this petition has prayed that respondent nos.1 and 2 may be directed to make the payment of arrears of salary on the basis of Mahrotra Pay Commission recommendation with effect from 1.1.1986 till the date on which the current salary is being paid to the petitioner.

#. It is the case of the petitioner that she is a full time lecturer in I.M.Nanavati Law College since 15.6.1976 which is run by respondent No.5. The same is affiliated with the Gujarat University at Ahmedabad. According to the petitioner, there have been three Pay Commissions of UGC for revising the pay scales of the teachers of Universities and the colleges affiliated to the Universities. First such Commission was of 1962, second was of 1974 and the third Commission was Mehrotra Commission. According to the petitioner, the Government of India revised the pay scales of teachers of Universities and colleges as per the recommendations of Mehrotra Commission and introduced new revised scales and the effect of the same is given from 1.1.1986. It is the say of the petitioner that the Government of Gujarat through the Education Department issued the resolution regarding the revision of pay scales of teachers in Universities and colleges on 14.9.1988. By the said resolution, the Government has sanctioned UGC pay scales to University and college teachers. On recommendations of Mehrotra Commission, the Government of India revised the pay scales of University and college teachers with effect from 1.1.1986 by letters dated 17.6.1987 and 22.7.1988. On the basis of the same, further resolutions were also passed by the Government.

#. The petitioner has annexed certain correspondence which were entered into with the management and the management has also made certain correspondence with the Government. It is not necessary to go in detail into the same because the issue involved in this petition is covered by the judgment of this Court. One of such orders is produced at page 72 i.e. the order of this Court passed in Special Civil Application No.3574 of 1998 dated 14.9.1998. The court allowed that petition and the authorities were directed to pay to the petitioner of that petition difference in arrears of pay and other allowances between the revised pay scale i.e. the pay and allowances actually paid to him for the period from 1.1.1986 upto the date on which the revised pay scale is made applicable to that petitioner.

#. In view of the aforesaid judgment of this Court which squarely covers the issue in question, this petition is

required to be allowed and accordingly the same is allowed. The petitioner is entitled to the difference in arrears of pay and other allowances between the revised pay scale i.e. the pay and allowance actually paid to her for the period from 1.1.1986 till the revised pay scale is made applicable to the case of the petitioner within a period of two months from today. The respondent college may calculate the amount which is required to be paid to the petitioner on the aforesaid basis and after receiving necessary information about the actual amount, the State Government may pass appropriate order releasing the said benefit in favour of the petitioner. Rule is made absolute to the aforesaid extent with no order as to costs.

(P.B.Majmudar,J)

(pathan)